THE HON'BLE SRI JUSTICE C.V. RAMULU

Monday, 19th June, 2006

W.P.No.36637 of 1998

Between:

M. Obul Raju & another … Petitioner

and

The Commissioner of Civil Supplies and
Ex-Officio Secretary to Government,
Food, Civil Supplies and Consumer Affairs
Department, Government of A.P., Civil
Supplies Bhavan, Erram Manzil, Hyderabad
& 3 others … Respondents

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ORAL ORDER:

Petitioners are the agriculturists. They have grown groundnut and were transporting 100 bags of groundnut on 16-4-1994 in their tractor to Rajanagaram Rice Mill for the purpose of converting it to groundnut seeds. The Tractor was intercepted by the Inspector of Police, Vigilance Cell, Civil Supplies Department and seized the groundnut and the Tractor and sent a report to the 2nd respondent under Section 6A of the Essential Commodities Act,1955. After conducting enquiry into the matter, the 2nd respondent confiscated 75% of the seized stocks without mentioning what

exactly the contravention on the part of the petitioners, by his Order dated 9-8-1995. Aggrieved by the same, the petitioners have carried the matter in appeal before the 1st respondent. Respondent No.3, however, reduced the confiscation to 50%. Challenging the said orders of respondents 1 and 2, the present Writ Petition is filed.

There is no necessity of going into all the details. No power is vested in the authorities for seizing the groundnuts. Even the order passed by the 1st respondent-Commissioner of Civil Supplies (Appeals) would indicate that there is no restriction on movement of groundnuts. However, as if some charity was being shown, the appellate authority reduced the confiscation to 50%. It is unfortunate that such an Order is passed by the authorities. No provision of law is brought to the notice of this Court to show that the authorities have power to pass the Orders confiscating the groundnuts belonging to the petitioners. Therefore, the impugned Orders are liable to be set aside and are accordingly set aside.

Having known the position of law that there is no restriction on movement of groundnuts, the authorities have assumed the jurisdiction over such groundnuts and seized and harassed the petitioners for nothing. Therefore, the respondents shall pay costs of Rs.10,000/- to the petitioners.

Accordingly, the Writ Petition is allowed with costs quantified at Rs.10,000/-.

19-6-2006

prk